
JURISDICTION

Indian Child ON Reservation

A complaint of suspected child abuse or neglect of any Indian child **who resides or is domiciled on lands within exclusive jurisdiction of the tribe** must **not** be investigated by the department unless a special written agreement exists between the tribe and the department. These agreements exist between MDHHS and the Sault Ste. Marie Tribe of Chippewa Indians, the Keweenaw Bay Indian Community, and the Lac Vieux Desert Band of Lake Superior Chippewa Indians; see Tribal Agreement Manual (TAM) for tribal agreements.

Tribal Jurisdiction

If an Indian child resides on a reservation, where the tribal court has jurisdiction, MDHHS or the Family Division of Circuit Court may not intervene unless there is a special written services agreement between the tribe and MDHHS. See the Tribal Agreements Manual (TAM) for tribal agreements.

Caseworkers must contact the tribal social service department to verify tribal jurisdiction on a case. If there is a disagreement regarding tribal jurisdiction, caseworkers must contact the Office of Native American Affairs for clarification or dispute resolution per tribal consultation plan agreement(s).

Indian Child OFF Reservation

An assigned complaint of suspected child abuse or neglect involving any Indian child **who resides off the reservation** requires the department to investigate.

RELEASE OF CHILDREN'S PROTECTIVE SERVICES (CPS) INFORMATION

MDHHS may release a report, document, or photograph filed with the Department as part of a child's confidential CPS record to a *tribal representative, agency, or organization, including a*

multidisciplinary team, authorized by the Indian child's tribe, to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian (MCL 722.627.7).

Upon verbal or written request, reports and documents that have been completed and approved by supervision should be released in accordance with SRM 131 and PSM 717-4 - 717-6; including verification of the identity of the requestor, proper redactions, inclusion of state of confidentiality, etc. In cases in which record release is not requested, the change to the Child Protection Law (CPL) also allows CPS to speak with an involved tribal representative about the CPS matter to identify available services, obtain active efforts recommendations, and collaborate to assist the family; see MDHHS-5598, American Indian/Alaska Native (AIAN) Child Tribal Enrollment/Eligibility form.

LEGAL BASIS

Bureau of Indian Affairs (BIA) ICWA Final Rule, 25 CFR 23.

Child Protection Law, 1975 PA 238, as amended; MCL 722.621 et seq.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.